

EXHIBIT

A

Electronic Acknowledgement Receipt

EFS ID:	3965959
Application Number:	10824962
International Application Number:	
Confirmation Number:	7469
Title of Invention:	System for dynamically pushing information to a user utilizing global positioning system
First Named Inventor/Applicant Name:	John M. Miller
Customer Number:	23623
Filer:	Robert Johnson Irvine
Filer Authorized By:	
Attorney Docket Number:	GLOBP102USA
Receipt Date:	18-SEP-2008
Filing Date:	15-APR-2004
Time Stamp:	17:07:42
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Assignee showing of ownership per 37 CFR 3.73(b).	08-727-US-CON-373b.pdf	74119 f4b93a2988aeb6eeb5a7c0365272ec6f3c871d8e	no	1

Warnings:

Information:

2	Miscellaneous Incoming Letter	Appendixamin.pdf	66170 97ec044cc68fca21fd810689ba3021aee5d dedc	no	3
Warnings:					
Information:					
3	Power of Attorney	KhiAcquisitionsPOA.pdf	49911 86c39132b8128f9674b107c5ee6b7eb393e 509b2	no	1
Warnings:					
Information:					
Total Files Size (in bytes):			190200		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

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POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

Practitioners associated with the Customer Number:
OR

20306



Practitioner(s) named below (If more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

The address associated with Customer Number:
OR

20306

<input type="checkbox"/> Firm or Individual Name			
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City	State	Zip	
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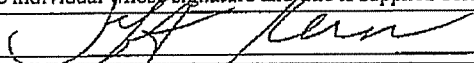
Assignee Name and Address:

Khi Acquisitions Limited Liability Company
2711 Centerville Road, Suite 400
Wilmington, DE 19808

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	8/14/2008
Name	Jeff Kern	Telephone	
Title	Authorized Person for Khi Acquisitions Limited Liability Company		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.41 and 1.44. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Khi Acquisitions Limited Liability CompanyApplication No./Patent No.: 10/824,962 Filed/Issue Date: April 15, 2004Entitled: System for Dynamically Pushing Information to a User Utilizing Global Positioning SystemKhi Acquisitions Limited Liability Company, a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: See attached appendix, line 3 To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☒ Additional documents in the chain of title are listed on a supplemental sheet.☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

/Robert J. Irvine III/September 18, 2008

Signature

Date

Robert J. Irvine III312-913-0001

Printed or Typed Name

Telephone Number

Attorney of Record

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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APPENDIX

Issued Patents

Line No.	Patent Number	Title	Issue Date	Recordation Information from ***** to ***** Reel / Frame
1	6,353,398	System for Dynamically Pushing Information to a User Utilizing a Global Positioning System	March 5, 2002	Reel/Frame: 021450/0811 Assignors: AMIN, HIMANSHU S. Assignee: KHI ACQUISITIONS LIMITED LIABILITY COMPANY Reel/Frame: 021450/0820 Assignors: MILLER, JOHN M. Assignee: KHI ACQUISITIONS LIMITED LIABILITY COMPANY
2	6,741,188	System for Dynamically Pushing Information to a User Utilizing Global Positioning System	May 25, 2004	Reel/Frame: 021450/0811 Assignors: AMIN, HIMANSHU S. Assignee: KHI ACQUISITIONS LIMITED LIABILITY COMPANY Reel/Frame: 021450/0820 Assignors: MILLER, JOHN M. Assignee: KHI ACQUISITIONS LIMITED LIABILITY COMPANY

APPENDIX

Pending Applications

Line No.	Application No.	Title	Filing Date	Recordation Information from ***** to ***** Reel / Frame
3	10/824,962	System for Dynamically Pushing Information to a User Utilizing Global Positioning System	April 15, 2004	Reel/Frame: 021450/0811 Assignors: AMIN, HIMANSHU S. Assignee: KHI ACQUISITIONS LIMITED LIABILITY COMPANY Reel/Frame: 021450/0820 Assignors: MILLER, JOHN M. Assignee: KHI ACQUISITIONS LIMITED LIABILITY COMPANY
4	11/195,923	System for Dynamically Pushing Information to a User Utilizing Global Positioning System	August 3, 2005	Reel/Frame: 021450/0811 Assignors: AMIN, HIMANSHU S. Assignee: KHI ACQUISITIONS LIMITED LIABILITY COMPANY Reel/Frame: 021450/0820 Assignors: MILLER, JOHN M. Assignee: KHI ACQUISITIONS LIMITED LIABILITY COMPANY
5	11/195,947	System for Dynamically Pushing Information to a User Utilizing Global Positioning System	August 3, 2005	Reel/Frame: 021450/0811 Assignors: AMIN, HIMANSHU S. Assignee: KHI ACQUISITIONS LIMITED LIABILITY COMPANY Reel/Frame: 021450/0820 Assignors: MILLER, JOHN M. Assignee: KHI ACQUISITIONS LIMITED LIABILITY COMPANY
6	11/196,206	System for Dynamically Pushing Information to a User Utilizing Global Positioning System	August 3, 2005	Reel/Frame: 021450/0811 Assignors: AMIN, HIMANSHU S. Assignee: KHI ACQUISITIONS LIMITED LIABILITY COMPANY Reel/Frame: 021450/0820 Assignors: MILLER, JOHN M. Assignee: KHI ACQUISITIONS LIMITED LIABILITY COMPANY
7	11/196,814	System for Dynamically Pushing Information to a User Utilizing Global	August 3, 2005	Reel/Frame: 021450/0811 Assignors: AMIN, HIMANSHU S. Assignee: KHI

		Positioning System		ACQUISITIONS LIMITED LIABILITY COMPANY Reel/Frame: 021450/0820 Assignors: MILLER, JOHN M. Assignee: KHI ACQUISITIONS LIMITED LIABILITY COMPANY
8	11/926,631	A computer-implemented method to perform location- based searching on a mobile telephone	October 29, 2007	Reel/Frame: 021450/0811 Assignors: AMIN, HIMANSHU S. Assignee: KHI ACQUISITIONS LIMITED LIABILITY COMPANY Reel/Frame: 021450/0820 Assignors: MILLER, JOHN M. Assignee: KHI ACQUISITIONS LIMITED LIABILITY COMPANY
9	11/926,641	Computer-implemented method to perform location- based searching	October 29, 2007	Reel/Frame: 021450/0811 Assignors: AMIN, HIMANSHU S. Assignee: KHI ACQUISITIONS LIMITED LIABILITY COMPANY Reel/Frame: 021450/0820 Assignors: MILLER, JOHN M. Assignee: KHI ACQUISITIONS LIMITED LIABILITY COMPANY
10	11/926,645	Computer-implemented method for pushing targeted advertisements to a user	October 29, 2007	Reel/Frame: 021450/0811 Assignors: AMIN, HIMANSHU S. Assignee: KHI ACQUISITIONS LIMITED LIABILITY COMPANY Reel/Frame: 021450/0820 Assignors: MILLER, JOHN M. Assignee: KHI ACQUISITIONS LIMITED LIABILITY COMPANY
11	12/045,601	System for Dynamically Pushing Information to a User Utilizing Global Positioning System	March 10, 2008	Reel/Frame: 021450/0811 Assignors: AMIN, HIMANSHU S. Assignee: KHI ACQUISITIONS LIMITED LIABILITY COMPANY Reel/Frame: 021450/0820 Assignors: MILLER, JOHN M. Assignee: KHI ACQUISITIONS LIMITED LIABILITY COMPANY

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B

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Correspondence:MAIL

Correspondence Address:	MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO IL 60606 UNITED STATES
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	-

Telephone Numbers:	312-913-0001
	-
	-

Fax Numbers:	3129130002
	-

Associated Individuals:	<div style="border: 1px solid black; padding: 5px;"> 26707 Berntsen, Denis 26949 McDonnell, John 28399 Boehnen, Daniel 30130 Hulbert, Bradley 30243 Berghoff, Paul </div>
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Request Customer Data Change[s]

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EXHIBIT

C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
MBHB Docket No.: 08-727-US-CON

In the Application of:)	
John Miller, et al.)	Examiner: Benjamin C. Lee
)	
App Serial No.: 10/824,962)	Group Art Unit: 2612
)	
Filing Date: April 15, 2004)	
)	Confirmation No.: 7469
For: System for Dynamically Pushing)	
Information to a User Utilizing Global)	
Positioning System)	

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO THE NON-FINAL OFFICE ACTION MAILED APRIL 21, 2008

Dear Sir:

Please consider the following **AMENDMENTS** and **REMARKS** in response to the
Non-Final Office Action mailed April 21, 2008.

AMENDMENTS TO THE CLAIMS begin on page 2.

REMARKS begin on page 7.

D. Conclusion

Applicants submit that the present application is in condition for allowance and notice to that effect is hereby requested. If the Examiner feels that further dialog would advance the application to issuance, the Examiner is invited to telephone the undersigned at (312) 913-0001.

Respectfully submitted,
McDonnell Boehnen Hulbert & Berghoff LLP

Date: September 22, 2008 By: /Jeffrey P. Armstrong/
Jeffrey P. Armstrong
Reg. No. 54, 967

Electronic Acknowledgement Receipt

EFS ID:	3983277
Application Number:	10824962
International Application Number:	
Confirmation Number:	7469
Title of Invention:	System for dynamically pushing information to a user utilizing global positioning system
First Named Inventor/Applicant Name:	John M. Miller
Customer Number:	23623
Filer:	Jeffrey Armstrong
Filer Authorized By:	
Attorney Docket Number:	GLOBP102USA
Receipt Date:	22-SEP-2008
Filing Date:	15-APR-2004
Time Stamp:	17:07:56
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$640
RAM confirmation Number	3966
Deposit Account	132490
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1		08_727_US_CON_Response_to_OA_mailed_042108.pdf	155837 b41058c2b6f4c46b94baed8e6e31bfb51d934b8	yes	13
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
	Claims		2	6	
	Applicant Arguments/Remarks Made in an Amendment		7	13	
Warnings:					
Information:					
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Total Files Size (in bytes):			280615		

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New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

EXHIBIT

D



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,962	04/15/2004	John M. Miller	GLOBP102USA	7469
23623 7590 12/22/2008 AMIN, TUROCY & CALVIN, LLP 127 Public Square 57th Floor, Key Tower CLEVELAND, OH 44114			EXAMINER BUGG, GEORGE A	
			ART UNIT	PAPER NUMBER
			2612	
			NOTIFICATION DATE	DELIVERY MODE
			12/22/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket1@thepatentattorneys.com
hholmes@thepatentattorneys.com
lpasterchek@thepatentattorneys.com

Office Action Summary	Application No.	Applicant(s)	
	10/824,962	MILLER ET AL.	
	Examiner	Art Unit	
	GEORGE A. BUGG	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 51-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09222008</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 51-71 are currently pending in this application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 51-55, 59-65, 69, and 70 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,381,603 B1 to Chan et al.
4. With regard to independent claims 51, 61, and 71, the Abstract and Figures 4 and 10 disclose a gps system and searchable database (maintaining an index of information sources) for receiving a search query, and returning (transmission of and reception of) search results based on that query. Inherently this information would include a communications device identifier since Chan teaches that the information or data is being returned to the device that initiated the query. In addition, Figures 5 and 6 both show a search term (54) and a distance or range (53), as well as current position (52), which is further disclosed in column 6, lines 11-26. As stated above, Chan

teaches transmission of, and reception of search results pertaining to the query. As shown in Figure 6, the query returns a list of one or more information sources (60), wherein merchant names and locations can be considered to be an information sources. Chan further inherently teaches that any and all information returned to the gps unit is associated with a location code, since the current location of the gps unit is known, as well as location information for each merchant. Furthermore, Figures 5 and 6 clearly show that the information received, as a result of the search query, is within a specific geographic region, relative to the search distance, which Chan discloses in column 6, lines 26-42 as Zip code, City, or State. It should further be noted that Chan also teaches that the process and method of his invention is carried out using programs or instructions, as stated in column 4, lines 35-41, column 5, lines 48-55, and column 8, lines 38-47.

5. As for claims 52 and 62, Chan teaches querying a database based on search criteria such as zip code, city, or state. Search results returned, i.e. merchant names or information sources, are therefore associated with a location code (either current position of gps unit or actual location of merchant) in a specific geographic region (zip, city, state), such information is inherently encoded and returned with the search results.

6. As for claims 53 and 63, column 4, lines 35-49, disclose use of the Internet (network) as a data source.

7. As for claims 54, 55, 64, and 65, as shown in Figures 5 and 6, and further taught in column 6, lines 13-27, the current position of the communications device is indicated

on the communications device itself and can be determined locally at the unit itself, can be inputted by a user, or can be determined by way of gps satellites.

8. With regard to claims 59 and 69, Figures 11 and 12, as well as column 9, lines 45-49, disclose the use of time criteria, which is associated with an event, and therefore inherently would include time of day, as well as day, or date of the event.

9. As for claims 60 and 70 the Figures of Chan clearly show relevant data being visually indicated on a display.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 56 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,381,603 B1 to Chan et al.

12. With regard to claims 56 and 66, Chan teaches all of the limitations of these claims based on their dependencies on independent claims 21, 31, 41, and 48 respectively, however fails to specifically disclose an Internet website as an information source, but does in fact teach the use of the Internet throughout the disclosure in a multiplicity of locations, such as columns 2, 4, and 5, and that information is transmitted to the display unit by way of the internet. Therefore it would have been obvious to one

of ordinary skill in the art to include a web site of a specific merchant or desired location as a source of information since the system is already connected via the internet and search criteria is established by the user.

13. Claims 57, 58, 67, and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,381,603 B1 to Chan et al., in view of US Patent No. 6,252,544 B1 to Hoffberg.

14. With regard to claims 57, 58, 67, and 68, while Chan does not specifically disclose the use of a demographic code or displaying demographic information, Hoffberg (column 25, lines 49-65, and Abstract) teaches that events, which could include advertisements based on user demographics and geographic GPS location, can be sent to and displayed on a communication device. That is to say that the data returned to the communication device is user dependent, and variables that affect such information can be based on a particular demographic, wherein said demographic is also search history dependent because the search query is determined by the user's needs and desires. Therefore it would have been obvious to one of ordinary skill in the art to combine the teachings of Chan and Hoffberg to create a system in which demographic information is automatically sent based on user preferences, time of day, and current location, for the purpose of conveying additional information to a user in a specific geographic region, and additionally as a way to subsidize the cost of a large scale communications system by generating revenue in the form of advertisements.

Response to Arguments

15. Applicant's arguments with respect to claims 51-71 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GEORGE A. BUGG whose telephone number is

(571)272-2998. The examiner can normally be reached on Monday-Thursday 9:00-6:30, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ben Lee can be reached on (571) 272-2963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

George A Bugg
Primary Examiner
Art Unit 2612

/George A Bugg/
Primary Examiner, Art Unit 2612

December 17, 2008

EXHIBIT

E



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,962	04/15/2004	John M. Miller	GLOBP102USA	7469
23623	7590	07/30/2009	EXAMINER	
TUROCY & WATSON, LLP			BUGG, GEORGE A	
127 Public Square			ART UNIT	PAPER NUMBER
57th Floor, Key Tower			2612	
CLEVELAND, OH 44114			NOTIFICATION DATE	DELIVERY MODE
			07/30/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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hholmes@thepatentattorneys.com
lpasterchek@thepatentattorneys.com

Notice of Abandonment	Application No.	Applicant(s)	
	10/824,962	MILLER ET AL.	
	Examiner	Art Unit	
	GEORGE A. BUGG	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 22 December 2008.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

/George A Bugg/
Primary Examiner, Art Unit 2612

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

EXHIBIT

F

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10/824,962

System for dynamically pushing information to a user utilizing global positioning system

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36952	Turocy, Gregory	216-696-8730

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